

REMARKS

This response is submitted in reply to the Office Action dated May 11, 2005. Claims 1, 10, 20, 33 and 44 have been amended. No new matter has been added by way of these amendments. Claims 4, 13, 25 and 36 have been cancelled.

A Petition for a Two-Month Extension of Time to respond to the Office Action is submitted herewith. Please charge \$450.00 to deposit account No. 02-1818 to cover the two-month extension of time and any other fees associated with this Response.

The Office Action objected to Claims 1, 10, 20, 33 and 44 because of informalities. Applicants have amended Claims 1, 10, 20, 33 and 44 to overcome these objections and for purposes of clarity. Applicants submit that Claims 1, 10, 20, 33, and 44 are in condition for allowance.

The Office Action rejected Claims 1 to 5, 7 to 14, 17 to 20, 23 to 26, 28 to 30, 33 to 37 and 40 to 42 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,592,457 to Frohm et al. ("Frohm"). Applicants disagree with these rejections and respectfully submit that Claims 1 to 5, 7 to 14, 17 to 20, 23 to 26, 28 to 30, 33 to 37 and 40 to 42 are patentable over Frohm and are in condition for allowance.

Frohm discloses a gaming machine including a multi-stage sporting event game which includes a plurality of player-selectable options. Frohm discloses two games, a boxing game and a football game. In the boxing game, the gaming device includes two display devices. One of the display devices displays two boxers. When a player inserts a number of coins or credits to play the game, the gaming device can provide and display a total number of picks for the game on one of the display devices. The gaming device displays a number of player selectable options as gloves available to the player. Each of the gloves is associated with a punch type. The punch type for each glove may be displayed over each of the gloves so the player knows which punch-type they are selecting or the associated punch type may be masked. For each of the picks provided to the player at the beginning of the game, the gaming device enables the player to select one of the glove selections. When the player selects the glove selection, the gaming device displays and animates two boxers on the upper display. The boxer associated with the player throws the selected type of punch. That is, the gaming device animates the boxer to throw the type of punch associated with the selected glove

selection. The gaming machine determines a punch outcome from an action produced from the punch. For example, a missed punch equals no payoff, a blocked punch equals no payoff, etc. The game provides a scorecard for each boxer. The scorecard is used provide scores for the boxers or energy levels for the boxers. The punch outcomes for each punch thrown. All of the selected gloves and punch outcomes determine a game outcome. The player may place bets on the punch outcomes or the game outcome.

Frohm also discloses a football game. For the football game, the gaming device displays two football teams on an upper display. The gaming device displays an array of football selections on a lower display. Upon insertion of a number of coins or playing a number of credits, the gaming device can activate a total number of picks available to the player for the game according to the number of credits wagered. After the picks are made available to the player, the lower display informs the player to select one of the displayed football selections. Each of the football selections is associated with a play type. For example, a football selection may be associated with a run or a pass. In one embodiment, the football selections have the associated play types displayed on each football. In another embodiment, the associated play types are masked. For each pick given to the player at the beginning of the game, the gaming device enables the player to make a selection. For each selection, the gaming device displays an animation of the selected play. Each selection may result in a payoff depending on the outcome of the action. The upper display displays a first down maker for the home team that tracks and illustrates the yardage gained by the play outcomes for the player. The game continues until the player runs out of picks. In one embodiment, the football game continues after the player scores so that the player plays on defense rather than offense. In this embodiment, the footballs are associated with defensive play types. In one embodiment, at the beginning of a game, gaming device displays football selections each associated with displayed play formations. Upon a selection of one of the formations, the gaming device changes the selections to display football selections associated with plays. If the player is playing offense, the football selections are displayed with offensive plays. If the player moves to defense, the gaming device changes the plays and the displayed plays become defensive plays. Like the boxing

game, the game plays result in a game outcome and the player is enabled to wager at multiple stations of the game.

Claim 1 is directed towards a gaming device including a game operable upon a wager, a display device, a first selection group including a plurality of first selections adapted to be displayed by the display device and at least one award indicator adapted to be displayed by the display device after one of the first selections is picked. The gaming device of Claim 1 includes a second selection group including a plurality of second selections, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

Frohm does not include each and every element of Claim 1. The boxing game of Frohm does not include a second selection group including a plurality of second selections. The Office Action states that Frohm includes a first selection group referring to the boxing glove selections and then states that Frohm includes a second selection group referring once again to the boxing glove selections. Applicants respectfully submit that this is a misinterpretation of the boxing game of Frohm. As illustrated in Fig. 3B of Frohm, only one group of glove selections is displayed for the boxing game. The boxing game of Frohm only includes one selection group. When a player puts in a certain amount of coins or credits, the gaming device displays the selectable gloves to the player. The gaming device provides the player with a total number of picks for the boxing game. In the game, the player selects glove selections until the player runs out of picks. There is only one selection group disclosed in the boxing game Frohm. This selection group includes a plurality of selectable gloves associated with different types of punches. These different punches do not form separate selection groups but together form one selection group. Each of these gloves is selected choice from the one selection group set. Claim 1 discloses a first selection group including a plurality of first selections adapted to be displayed by the display device and a second selection group including a plurality of second selections. The boxing game Frohm does not include a first selection group including a plurality of first selections adapted to be displayed by the display device and a second selection group including a plurality of

second selections. Therefore, the boxing game of Frohm does not disclose each and every element of Claim 1.

Frohm does not disclose a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked. In Frohm, the number of picks is based on the wager made by the player at the beginning of the game. In Frohm, the player has a certain number of picks for the entire game, regardless of the number of selection groups. The picks available in Frohm are not associated with any particular selections. The gaming device of Frohm informs the player how many picks they have left for the game as a whole, not from a certain selection group. In Frohm, a number of second selection picks in a second selection group is not based, at least in part, on at least one of the first selections which is picked. Frohm does not include each and every element of Claim 1.

Frohm also does not disclose at least one award indicator adapted to be displayed by the display device after one of the second selections is picked. The boxing game of Frohm discloses a scorecard that may be displayed for each boxer/team through-out the game but Frohm does not disclose displaying an award indicator after one of the second selections is picked. Frohm thus does not disclose each and every element of Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over Frohm because Frohm does not disclose each and every element of Claim 1. Therefore, Applicants respectfully submit that Claim 1 is in condition for allowance.

Claims 2 to 9 depend from Claim 1 and are patentable over Frohm for the reasons stated with respect to Claim 1.

Claim 10 includes, in combination with other elements, a first selection group including a plurality of first selections adapted to be displayed by the display device and at least one award indicator adapted to be displayed by the display device after one of the first selections is picked. Applicants submit that Frohm does not include these elements as discussed with respect to Claim 1. Applicants submit that Claim 10 is patentable over Frohm for the reasons discussed with respect to Claim 1.

Additionally, Claim 10 includes a third selection group including a plurality of third selections, at least one award indicator adapted to be displayed by the display device after one of the third selections is picked and a number of third selection picks in the third selection group, wherein the number of third selection picks is based, at least in part, on at least one of the second selections which is picked. One embodiment of the football game of Frohm includes different plays or words associated with the displayed football selections. At the beginning of the game the formation options are displayed for each of the football selections. After the selection of the formation, the gaming device displays a play for each football selection. However, as discussed above, the gaming device of Frohm does not display an award indicator adapted to be displayed by the display device after one of the third selections is picked. In Frohm, any award indicator, such as a scorecard is constantly displayed. Frohm does not disclose at least one award indicator adapted to be displayed by the display device after one of the third selections is picked and a number of third selection picks in the third selection group, wherein the number of third selections picks is based, at least in part, on at least one of the second selections which is picked. Applicants respectfully submit that Claims 10, and Claims 11 to 19 which depend directly and indirectly from Claim 10, are patentably distinguished over Frohm for the reasons set forth with respect to Claim 1.

Claim 20 is directed to a method for operating a gaming device having a game operable upon a wager. The method of Claim 20 includes, in combination with other elements, displaying a first award indicator after one of the first selections is picked and displaying a second award indicator after one of the second selections is picked, wherein a number of second selection picks in the second selection group is based, at least in part, on at least one of the first selections which is picked. Applicants respectfully submit that Claim 20, and Claims 21 to 32 which depend directly and indirectly from Claim 20, are patentably distinguished over Frohm for the reasons set forth with respect to Claim 1.

Claim 33 is directed to a method for operating a wagering gaming device having a game operable upon a wager. The method includes displaying a first selection group including a plurality of first selections, displaying at least one award indicator after one of the first selections is picked and displaying a second selection group including a

plurality of second selections. The method of Claim 33 further includes displaying at least one award indicator after one of the third selections is picked, wherein a number of third selection picks in the third selection group is based, at least in part, on at least one of the second selections which is picked.

Applicants respectfully submit that Claim 33, and Claims 34 to 44 which depend directly and indirectly from Claim 33, are patentably distinguished over Frohm for the reasons set forth with respect to Claims 1 and 10 and are in condition for allowance.

The Office Action rejected Claims 6, 15, 16, 21, 22, 27, 38 and 39 under 35 U.S.C. 103(a) as being unpatentable over Frohm in view of UK Patent Application GB 2,333,880 to Randall.

Randall discloses a gaming machine which includes a reel game and a bonus game either randomly or predetermined triggered upon an event in the reel game. The bonus game includes a trail which includes a series of sections which include symbols, such as key symbols and knockout symbols. The gaming device displays an auxiliary reel in the middle of the trail. Above the trail, the gaming device displays a plurality of award zones. The trail is associated with the award zones and play can be transferred from the trail to the award zones. Each of the plurality of award zones includes a plurality of boxes which display award values. The values increase for each award zone as the zones are higher on the display device. For example, the values in the first zone (the lowest award zone) range from 5 to 10. The values in the second award zone range from 15 to 20, etc. Therefore, a player's goal is to obtain awards from the highest award zone because the awards are higher. Each award zone has a respective player selectable press button along side the award zone. The gaming device illuminates the associated button when the player is eligible to win an award from that award zone.

In game play of Randall, upon an event in the reel game, the gaming device enables the player to play the bonus trail game. Upon play of the trail game, the gaming device enables the player to press a button to cause the auxiliary reel to spin and generate a number. The game illuminates the number of sections of the trail selected by the auxiliary reel. One or more of the trail sections are marked with one or more key symbols. Each award zone is associated with a certain number of key symbols. That is, the key symbols determine eligibility to play from a certain award

zone. The gaming device has a key counter which counts the number of key symbols that are accumulated along the trail. One or more of the trail sections are marked with one or more knockout symbols. The gaming device includes a knockout counter to accumulate the number of knockout symbols. The knockout symbols enable the player to press the button to select an award if the player is eligible to play from one of the award zones. When the player obtains a certain number of key symbols, the button to the left of the first award zone is illuminated. That is, a certain number of key symbols are associated with each award zone. When the key symbols are collected, the available award zone is indicated through illumination of the button. The number of key symbols accumulated along the trail determines which award zone the player will receive an award from. The knockout symbols enable the player to obtain an award. When the knockout counter shows at least one knockout symbol and one of the selectable zone buttons is illuminated, the player is enabled to press the button to obtain an award from the associated, eligible award zone. When one of the buttons is illuminated through the accumulation of a certain number of key symbols and when the player obtains a knockout symbol along the trail, the player may press the button or keep playing the game to try to get to a next zone.

The gaming device of Claim 1 includes, in combination with other elements, at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

The Office Actions states that Frohm does not explicitly teach a gaming device which includes at least one advance indicator that is displayed after one of the first or second selections is picked. However Randall does not disclose, teach or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked. Randall does not teach, disclose or suggest at least one award indicator adapted to be displayed by the display device after one of the second selections is picked. Randall does not teach, disclose or suggest a number of second selection picks in the second selection group, wherein the number of second selection

picks is based, at least in part, on at least one of the first selections which is picked. As previously discussed, Frohm does not disclose, teach or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked. Therefore, the gaming device resulting from the combination of Frohm and Randall does not teach, disclose or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

Applicants respectfully submit that Claim 6, which depends from Claim 1, is patentably distinguished over Frohm in view of Randall and is in condition for allowance. Likewise, Applicants respectfully submit that Claims 15, 16, 21, 22, 27, 38 and 39 are patentably distinguished over Frohm in view of Randall for the reasons stated with respect to Claim 1 and are in condition for allowance.

The Office Action rejected Claims 31, 32, 43 and 44 over U.S. Patent No. 6,217,448 to Olsen ("Olsen"). The Office Action states that Frohm does not explicitly teach operating the gaming device through a data network including an internet as recited by Claims 31, 32, 43, and 44.

Olsen discloses a method for providing bonus payoffs during a bonus mode time period in a system of linked gaming machines interconnected to a controller. Olsen does not disclose, teach or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

As previously discussed, Frohm does not disclose, teach or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

Therefore, the gaming device resulting from the combination of Olsen and Frohm does not does not disclose, teach or suggest at least one award indicator adapted to be displayed by the display device after one of the first selections is picked, at least one award indicator adapted to be displayed by the display device after one of the second selections is picked and a number of second selection picks in the second selection group, wherein the number of second selection picks is based, at least in part, on at least one of the first selections which is picked.

Applicants respectfully submit that Claims 31, 32, 43, and 44 are patentably distinguished over Frohm in view of Olsen and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss this Response.

Respectfully submitted,
BELL, BOYD & LLOYD LLC
BY Adam H. Masia

Adam H. Masia
Reg. No.: 35,602
Customer No.: 29159
Dated: October 11, 2005